

JUL 27 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RONALD W. BATCH,

Defendant - Appellant.

No. 05-10105

D.C. No. CR-01-00534-DFL

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
David F. Levi, District Judge, Presiding

Submitted July 25, 2006^{**}
San Francisco, California

Before: T.G. NELSON, SILVERMAN, and RAWLINSON, Circuit Judges.

Ronald W. Batch appeals the district court's admission of evidence at his trial. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Regardless of whether the records in question were organized and used to prepare Batch's personal income tax, they were also business records. Thus, paragraph eight properly allowed their seizure and we affirm under any standard of review.¹

AFFIRMED.

¹ *United States v. Marbella*, 73 F.3d 1508, 1515 (9th Cir. 1996) (explaining that, in reviewing mixed questions of fact and law, a reviewing court applies different standards depending on whether legal or factual issues predominate).